

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 201 KAR 35:070

Contact Person: Kevin R. Winstead

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure to obtain supervision for registration, certification, and licensure.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish the procedure to obtain supervision.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements for supervision for registration, certification, and licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in defining the expectations of the board; providing the board with more oversight, and establishing the procedure to obtain approval to be a supervisor.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by:

(1) clarifying that observation, instead of teleconferencing, is a method of clinical supervision, and amending KBADC Form 13, Verification of Clinical Supervision, to clarify;

(2) providing that a person approved on or after March 24, 2021 to provide supervision will have a maximum of five consecutive years from the date of the approval to meet the requirements of KRS 309.0834(1) to become a certified clinical supervisor, and can continue to provide supervision until the earlier of the expiration of the five year period or the date they become a certified clinical supervisor, and that the approval as a supervisor shall be limited to five years, cannot be extended past the five year limit, and is available only once in the person's lifetime;

(3) allowing the board to extend certification as a certified clinical supervisor to a person who is approved to provide clinical supervision but does not meet all the provisions of KRS 309.0834(1) if the person submits a certain form created by the amendment to this regulation and meets certain criteria;

(4) requiring a person approved before March 24, 2021 to provide clinical supervision to apply for grandparenting as a certified clinical supervisor within twelve months of the effective date of this amendment to this administrative regulation;

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to clarify the acceptable methods of clinical supervision and create a grandfathering provision for persons who have been approved as a supervisor but do not meet the requirements of KRS 309.0834(1) to become a certified clinical supervisor.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements for supervision for registration, certification, and licensure.

(d) How the amendment will assist in the effective administration of the statutes: This regulation will assist in defining the expectations of the board; providing the board with more oversight, and establishing the procedure to obtain approval to be a supervisor.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board is unable to determine the exact number of persons who would be impacted by this regulation. Future applicants and persons credentialed by the board will be affected by this administrative regulation. As of January 14, 2022 there were over 2,900 persons holding credentials issued by the board.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: In order to comply with this regulation, supervisors shall provide clinical supervision by a method approved by the administrative regulation, and persons seeking approval

and record their hours of supervision. Supervisors will have to apply with the board to become a supervisor.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: In complying with this administrative regulation, some applicants will have to attend training to become a supervisor, this may incur a cost. Most supervisees have to pay their supervisor for supervision.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, the credential holders and applicants will be able to document the supervision received and provide the board with more oversight during the supervision process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no increases in fees or funding required to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no new fees or fee increases associated with the amendments.

(9) TIERING: Is tiering applied? Explain why or why not. Tiering was not applied as the regulation is applicable to all credential holders. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Alcohol and Drug Counselors.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.0813(1), (3), (5). 309.0834.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(4) Revenues (+/-): Neutral

(5) Expenditures (+/-): Neutral

(6) Other Explanation: None

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENC

"KBADC Form 13, Verification of Clinical Supervision", March 2021 is a six (6) page form to be completed by supervisors and supervisees recording clinical supervision. The board amended this form to clarify that observation, instead of teleconferencing, is a method of clinical supervision.

"KBADC Form 24, Application For Grandparenting as a Certified Clinical Supervisor", January 2022 is a two (2) page form to be filled out by a person who has been approved by the board to provide clinical supervision but does not meet the requirements of KRS 309.0834(1) to become a certified clinical supervisor who is seeking approval for a limited period of time to provide supervision as a certified clinical supervisor.